1945.

File No. Munis. Dist. II 145.

Legal Department.

B **BRANCH**

Subject:—

Rules and Notifications

under the Bombay District

Municipal Act, 1901

S.

1945

File No. Munis. Dist. II/45

Gen. 194 e.

G 8 - B

Office of the R.L.A.

Revised drafts of the Bombay Municipal and Municipal Boroughs ~~Act~~ Election Rules are sent herewith.

2. The Bombay District Municipal Election Rules, 1945, slip

(a) Apreamble and two new rules giving a short title an necessary definitions have been added.

(b) G.D. rule 5A has been made into revised rule 6, as the rules are being reissued.

(c) Revised rule 7 (G.D. rule 6): The provision contained in clause (b) in unnecessary in view of the prevision made in section 12(2) of the Bombay District Municipal Act, 1901. That provision has therefore been omitted from the revised rule 7.

The amendment of G.D. rule 6(2) proposed by G.D. on other papers has been carried out in this rule.

Consequential amendment has been made in revised rule 8(1).

(d) G.D. rules 13 and 13A have been split up and rearranged into revised rule 14 to 18.

(e) Revised rule 15 An Explanation has been added to sub-rule(4) on the lines of the Explanation to sub-rule (4) of revised rule 15 of the Boroughs Election Rules (G.D. Rule 14A(b)) to provide that the number of votes polled shall be deemed to be the number of ballot papers other than spoilt ballot papers counted.

(f) A new sub-rule(1) has been added in revised rule 17 to provide that the scrutiny should be completed on the day appointed in this behalf and no adjournment of the proceedings shall be allowed, on the lines of revised rule 17(1) of the Boroughs Election Rules.

(g) Revised rule 20 combines G.D. rules 14 and 15. Sub-rule (1) of G.D. rule 15 has been omitted, as being unnecessary, in view of sub-rule(1) of revised rule 20. Sub-rule (2) and (3) of G.D. rule 15 provide that in the absence of a sufficient number of candidates or any candidate at all it shall be deemed that there has been a failure to elect within the meaning of sub-section (2) of section 10 of the Act.

1817 K.S.R. 1810

Section 10(2) provides that any cavancies due to failure to elect the full number of elected councillors which under that section might be elected, may notwithstanding anything in that Act contained, be filled up by nomination by the Commissioner. Since these vacancies are to be filled by nomination the provision contained in sub-rules(2) and (3) of G.D.rule 18-that votes shall be taken if necessary only for filling each remaining unreserved seat or seats - is not understood and has been deleted, and sub-rule(4) of revised rule 20has been substituted.

(h) Revised rule 31, (G.D.rule24): Provision has been made in this rule for voting by persons on duty at polling stations In revised rule 32 provision has been made for tendered and spoilt voting papers on the lines of rules 35 and 36 of Bombay Local Boards Election Rules, 1932.

(i) Revised rule 36 (G.D.rule 29): This rule provides for the time limit within which the choice of wards must be made by a candidate standing highest in more than one ward and the consequencies of such choice not being so made.

(j) A new rule 40 has been added to provide for the production and inspection of election papers (cf.rule 41 of rules under Boroughs Act.)

(k) G.D.Forms A and B have been transposed as Forms B and A. New Form C has been added.

(3) The Bombay Municipal Boroughs ~~Rule~~ Election Rules,1945 (Slip Y). These have been revised on similar lines.

(a) Revised rule 8: Rule 8 has been renumbered as sub-rule (1) of that rule and amplified and new sub-rules (2) and (3) on the lines of rule 8(2) and (3) of the District Rules (slip D) have been inserted.

(b) G.D.rule 18(2) has been transposed as rule 25 of the revised rules as that is the proper place for that provision.

(c) G.D. should verify whether revised rule 30 is suitable. The reference to vacancies in G.D.rule 27 has been out in the revised rule 30 in view of the provision made in rule 43 for applying these rules to by-elections. The provisions

contained in the concluding portion of G.D. rule 27 has been omitted from the revised rule 30 in view of revised rule,25.

4. The rules have not been approved by the R.L.A. The C.D. is requested to examine the revised drafts and see if they carry out their objects and intentions and offer remarks, if any. They will then be revised, if necessary, in light of such remarks and finally approved by the R.L.A. and returned to the G.D.

Sd/-

for Semembramcer of Legal Affairs.

U.R. to G.D.,No.411, dated the 15thM January 1945.

R.D.P.
17/7/56.

S.C.

Office of the R.L.A.

Two revised draft Orders are sent herewith.

In view of the provisions of sub-section(5) of section 178 of the Bombay District Municipal Act, 1901, provision is made in the revised draft for amendment of the relevant Orders. Attention is in this connection invited to R.L.A.'s opinion in the linked case regarding the restoration of the School Boards.

Id/-

P.H.K.

27/11/45

Remembrancer of Legal Affairs.

U.R. to G.D.No.398-Confl.,dated the 27th December 1945.

R.D.P.
17/7/56

S.C.

Viramgam Municipality.

Re-establishment of superseded ----.

GOVERNMENT OF BOMBAY.
General Department .
Order No. 5069/33.

Bombay Castle, December 1945.

ORDER.

Whereas by Order in the General Department, No. 5069/33, dated the 21st April 1944, made by the Government of Bombay, in exercise of the powers conferred by sub-section (1) of section 179 of the Bombay District Municipal Act, 1901 (Bom.III of 1901), the Municipality of Viramgam has been superseded for a period of three years for the reasons stated in the said Order;

And Whereas the Government of Bombay considers that the reasons which necessitated the supersession of the said Municipality no longer continue to exist and that the period for which the said Municipality was superseded should be curtailed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 179 of the said Act, the Government of Bombay is pleased to amend the said Order ~~as~~ as follows, namely:-

In the said Order, for the words "three years" the words" * " shall be subsituted.

Here specify the period.

By order of the Governor of Bombay,

Under Secretary to Government.

R.D.P.
17/7/56
B-C-

Dohad Municipality.

Re-establishment of Superseded ------.

GOVERNMENT OF BOMBAY.
General Department,
Order No. 5063/33.

Bombay Castle, December 1945.

ORDER.

Whereas by order in the General Department No.5063/33, dated the 12th January 1945, the Government of Bombay in exercise of the powers conferred by subsection (4) of section 179 of the Bombay District Municipal Act, 1901 (Bom.III of 1901), extended the period of supersession of the Municipality of Dohad till the 7th March 1947 inclusive;

And Whereas the Government of Bombay considers that the reasons which necessitated the extension of the period of supersession of the said Municipality no longer continue to exist, and that the period so extended should be curtailed;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 179 of the said Act, the Government of Bombay is pleased to amend the said Order as follows namely:-

In the said Order, for the figures, letters and word "7th March 1947" the figures, letters and word" shall be substituted.

Here specify the date.

By order of the Governor of Bombay,

Under Secretary to Government.

R.D.P.
17/7/56

S.C.